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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,499	07/15/2004	Bogdan Radu	MASL-49	4498
37690	7590	08/16/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP (LEAR)				PATEL, KIRAN B
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CINCINNATI, OH 45202				3612
ART UNIT				
PAPER NUMBER				

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/710,499	RADU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kiran B. Patel	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 July 2004.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/15/04

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

Non-Final Rejection (8/13/05)

### Election/Restriction

1. During a telephone conversation with Mr. Jackson on 07/01/05 a provisional election was made without traverse to include the claims 1-9. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshihide (5,520,313).

Regarding Claim(s) 1-9, Toshihide (5,520,313) discloses the invention as claimed to include a substrate; and an ashtray 30 coupled to said substrate and adapted to store one or more items, said ashtray comprising: a compartment body defining a cavity adapted to store the one or more items and having an opening for gaining access to said cavity, said compartment body including at least one connecting member 32 integrally formed therein made from a first material, and a cover 40 including at least one connecting member 280 integrally formed therein and made from a second material having a different melting point from said first material, said at least one body connecting member cooperating with said at least one cover connecting member to couple said cover to said compartment body, said cover being in an open position, wherein said cover being moveable between cavity is accessible through said opening, and a closed position, wherein said cover overlies said opening;

wherein said at least one body connecting member comprises at least one projecting portion extending therefrom, and wherein said at least one cover

connecting member comprises at least which receives said at least one receiving portion therein one projecting portion;

wherein said at least one projecting portion defines a pin 280;

wherein said at least one receiving portion defines a bore;

wherein said at least one body connecting member includes a pair of spaced apart connecting members, each said pair of spaced apart connecting members having at least one projecting portion defining a pin having an enlarged distal end defining a circular portion, and wherein said at least one cover connecting member includes one connecting member, said cover connecting member including a pair of spaced apart receiving portions with each defining a bore having an enlarged receiving portion defining a circular recess, each said recess receiving one of said circular portions to couple said cover to said compartment body;

wherein said cover is pivotally movable between said open and closed position;

wherein said first material is polycarbonate/acrylonitrile butadiene styrene and the second material is selected from the group consisting of polypropylene, polyoxymethylene, and polyamide 6;

wherein said first material has a higher melting point than said second material.

Conclusion

3. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.
  
4. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

  
Kiran B. Patel, P. E.  
Primary Examiner  
Art Unit 3612  
August 13, 2005